HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.3922 of 1998

Dated 13th day of August, 2007

Between:

Punati Krishnaiah Petitioner

And

The Divisional Forest Officer,
Flying Squad Party, Khammam
and another .. Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the 2nd respondent-Mandal Revenue Officer in demanding the petitioner to pay a sum of Rs.35,300/- towards revenue debt, vide Attachment Order dated 21.1.1998, as arbitrary and illegal.

The petitioner asserts that neither he is a contractor to the Forest Department nor he has anything to do with the forest produce, but his grievance is that on 2.7.1993, the 1st respondent-Divisional Forest Officer visited his premises, seized the wood and collected Rs.17,000/- from him. When the petitioner got issued a legal notice asking for the particulars of the demand made, the 2nd respondent-Mandal Revenue Officer, without issuing any notice calling for his explanation, passed the Attachment Order dated 21.1.1998 demanding him to pay Rs.35,300/- towards revenue debt, failing which, his property would be put to public auction.

Heard the learned counsel for both the parties and perused the material placed on record.

Apparently, the 2nd respondent, without deciding whether any notice indicating that the Government is disputing the petitioner's property, was served on the petitioner or not, passed the impugned Attachment Order.

Hence, this Court deems it appropriate to direct the respondents to cause service of fresh notice calling upon the petitioner to pay the demanded amount within a period of four weeks and on receipt of such notice, the petitioner may offer his explanation, and the respondents, after considering the objections that may be filed by the petitioner, may pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of the explanation.

With the above direction, this writ petition is disposed of. No costs.

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13.08.2007

bcj